

telecommunications service providers. In sum, the rules attached as Attachment A are appropriate for adoption.

III. ORDER

A. The Commission Orders That

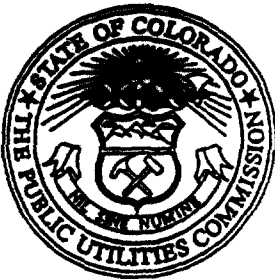
1. The rules set forth in Attachment A are adopted.
2. This Decision adopting the attached rules shall become final 20 days following the Mailed Date of this Decision in the absence of filing of any applications for rehearing, reargument, or reconsideration. In the event any application for rehearing, reargument, or reconsideration to this Decision is timely filed, this Decision Adopting Rules shall become final upon a Commission ruling denying any such application, in the absence of further order of the Colorado Public Utilities Commission ("Commission").
3. Within twenty days of final Commission action on the attached rules, the adopted rules shall be filed with the Secretary of State for publication in the next issue of the *Colorado Register* along with the opinion of the Attorney General regarding the legality of the rules.
4. The finally adopted rules shall also be filed with the Office of Legislative Legal Services within 20 days following the above-referenced opinion by the Attorney General.
5. The 20-day period provided for in § 40-6-114(1), C.R.S., within which to file applications for rehearing,

reargument, or reconsideration begins on the first day following the Mailed Date of this Decision.

6. This Order is effective upon its Mailed Date.

B. ADOPTED IN SPECIAL OPEN MEETING March 29, 1996

(SEAL)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT J. HIX

CHRISTINE E. M. ALVAREZ

VINCENT MAJKOWSKI

Commissioners

ATTEST: A TRUE COPY

A handwritten signature in cursive script, appearing to read "Bruce N. Smith".

Bruce N. Smith
Director

**THE
PUBLIC UTILITIES COMMISSION
OF THE
STATE OF COLORADO

RULES REGULATING
TELECOMMUNICATIONS SERVICE PROVIDERS
AND TELEPHONE UTILITIES
4 CCR 723-2**

RULE 4 CCR 723-2-1. APPLICATION OF RULES.

723-2-1.1 Basis, Purpose and Statutory Authority of Rules.
The statutory authority for these amendments is found in Sections 40-3-101(2), 40-3-102, 40-3-103, 40-3-106(1)(A) and 40-4-101, C.R.S. which empower the Commission to establish standards for the adequacy of public utility services, including the timely provisioning of adequate telephone service, basic telephone service and regulated telecommunications services, and requires the Commission to prescribe rules and regulations for the performance of any service or the furnishing of any commodity by a public utility and to enforce those rules and regulations. In addition, the Commission is authorized to promulgate rules generally by Section 40-2-108, C.R.S., and specifically for telecommunications services by §§ 40-15-201, 40-15-301, and 40-15-503(2) C.R.S., in order to implement the provisions of Title 40, Article 15, Parts 2, 3, and 5 C.R.S.

The basis and purpose of these amendments is to update and revise certain rules within the Rules Regulating Telecommunications Service Providers and Telephone Utilities to require an adequate level and timely provisioning of basic telephone service and regulated telecommunications service to the public throughout the state. The update and revision of these rules is necessary to reflect the present and continuing

evolution of a standard for adequate basic telephone service and regulated telecommunications service which is expected by the public and is available through the changing technology being deployed in the telecommunications industry. The rules establish standards for basic telephone service and regulated telecommunications services in light of current technology and public expectations. These amendments prescribe requirements for provision of certain capabilities and services by telecommunications service providers.

The amendments to the rules are clear and simple and can be understood by persons expected to comply with them. They do not conflict with any other provision of law and there are no duplicating or overlapping rules.

[RULES 4 CCR 723-2-1.2 through 4 CCR 723-2-5.3 are unmodified]

723-2-5.4 Line Extension Policy. Each telecommunications service provider shall maintain rules and regulations on file with the Commission as part of its tariffs which state the conditions and circumstances under which line extensions or extensions of service by the telecommunications service provider or by other entities under contract to the telecommunications service provider will be made in order to render service to prospective end-use customers within the exchange area. The applicability of a telecommunications service provider's line extension tariffs shall not unduly discriminate among the provider's prospective end-use customers by class of service. The tariffs shall include schedules of charges for service connections, extensions and line mileage. A telecommunications service provider that receives support from the Colorado High Cost Fund ("Fund"), as defined within the Commission's Rules (4 CCR 723-41), or any other price support mechanisms established by the federal government and by this state shall provide a construction credit to a prospective end-use customer

which reflects the amount of its capital investment which is supported by revenue received from the customer revenue stream, the CHCF and all other price support mechanisms established by the federal government and by this state for that area (i.e., its supported costs). Copies of the rules and regulations shall also be on file in the business offices of the telecommunications service provider and shall be available for inspection by the public during regular business hours.

[Rules 4 CCR 723-2-6 through 4 CCR 723-2-9.3.2 are unmodified]

723-2-9.3.3 A telecommunications service provider may not use its purchase of a customer's indebtedness, i.e. the accounts receivable, from another telecommunications service provider as a basis for requiring monetary interest from or a deposit by that customer or to deny or discontinue providing its jurisdictional services to that customer. Nothing in this Rule 9.3.3 shall preclude a telecommunications service provider from requiring a deposit when the provider complies with the requirements of Rule 8 of 4 CCR 723-2.

[Rules 4 CCR 723-2-9.3.4 through Rule 4 CCR 723-2-13 are unmodified]

RULE 4 CCR 723-2-14. RULES RELATING TO CONSTRUCTION AND MAINTENANCE PRACTICES.

723-2-14.1 Minimum Construction Standard.

723-2-14.1.1 The provider shall use as a minimum standard of accepted good engineering practice the 1993 National Electric Safety Code, dated August 3, 1992, published by the Institute of Electrical and Electronics Engineers, Inc. (IEEE), and endorsed by the American National Standards Institute (ANSI), which is incorporated by reference for all new construction or major rebuild of telecommunication plant begun

on or after August 3, 1992. This Rule does not include later amendments to or editions of the National Electric Safety Code.

723-2-14.1.2 For telecommunication plant constructed or installed prior to August 3, 1992, the minimum standard of accepted good engineering practice shall be the edition of the National Electric Safety Code in effect at the time of beginning construction or installation of the telecommunications plant.

723-2-14.1.3 Any telecommunications plant of the provider that is constructed, installed, maintained or operated in accordance with the National Electric Safety Code in effect at the time of its construction or installation shall be presumed to comply with accepted good engineering practice in the telecommunications industry and the provisions of this rule. However, all direct buried cables connecting the network interface at the customer's premises to the network facilities of the provider shall be permanently buried, as practical, at least 12 inches below the final surface grade as known at time of installation. All other direct buried communication cable shall at least be buried at depths required for supply cable of similar voltage as specified in the National Electric Safety Code.

723-2-14.1.4 Certified copies of the complete text of the National Electric Safety Code shall be maintained by the Public Utilities Commission and copies shall be available for public inspection during regular business hours. Certified copies of this code shall be provided at cost upon request. The Director of the Public Utilities Commission, 1580 Logan, Office Level Two, Denver, Colorado 80203 will provide information regarding how the National Electric Safety Code may be obtained or examined.

723-2-14.1.5 The provider shall use as a minimum standard of safe practice Part 68 of Title 47 of the Federal Code of Regulations dated October 1, 1995, for the

interconnection of new or existing telecommunications plant of the service provider with terminal equipment of a customer. Part 68 of Title 47 of the Federal Code of Regulations dated October 1, 1995, is incorporated by reference. This rule does not include later amendments to or editions of this code. Copies of those regulations shall be maintained by the Director of the Public Utilities Commission and will be available for inspection during regular business hours. Certified copies of this code shall be provided at cost upon request. The Director, 1580 Logan, Office Level Two, Denver, Colorado 80203, will provide information regarding how Part 68 of Title 47 Federal Code of Regulations dated October 1, 1995, may be obtained or examined.

[Rules 4 CCR 723-2-14.1.6 through 4 CCR 723-2-16.1.4 are unmodified]

RULE 4 CCR 723-2-17. BASIC TELEPHONE SERVICE STANDARD.

723-2-17.1 Basic Service Standard. As part of its obligation to provide adequate basic telephone service, each LEC shall construct and maintain its telecommunications network so that the instrumentalities, equipment and facilities within the network shall be adequate, efficient, just and reasonable in all respects in order to provide each customer within its jurisdictional service area with the following services or capabilities:

723-2-17.1.1 Individual line service on the local access line;

723-2-17.1.2 Dual tone multifrequency signaling capability on the local access line;

723-2-17.1.3 Facsimile and data transmission capability of at least 2400 bits per second on analog access lines served from the public switched network when the customer uses modulation/demodulation devices rated for such capability;

723-2-17.1.4 A local calling area that reflects the community of interest of the area in which the customer is located;

723-2-17.1.5 Access to toll services, i.e., any telecommunications service provider granted authority to serve in an area in which the incumbent telecommunications service provider has provided the capability for a customer to presubscribe to different MTS providers for the use of 1+ dialing capability shall also provide that capability to all customers served in such area;

723-2-17.1.6 Customer billing, public information assistance, directory listing, directory assistance and intercept to the extent described in Rules 10, 11, 12 of these Rules Regulating Telecommunications Service Providers and Telephone Utilities, (4 CCR 723-2);

723-2-17.1.7 In the event of a commercial alternating current (AC) power failure, the telecommunications service provider shall ^{intend to} provide, through the local access line, up to eight hours of backup power from the telecommunications service provider's power source to the network interface in landline (coaxial, fiber, or copper) applications in order to support existing basic service to lines that utilize a traditional ringer; and

723-2-17.1.8 At a minimum, all telecommunications service providers shall offer basic telephone service (as defined in this Rule) by itself as a separate tariff offering. This provision does not preclude the telecommunications service provider from also offering basic telephone service packaged with other services.

723-2-17.2 Universal Service Availability Standard. In order to maintain a reasonable uniformity between all localities in the state for adequate basic telephone service in the ordinary course of its business pursuant to its certificate of

public convenience and necessity, each LEC shall construct and maintain its telecommunications network so as to provide for universal (*i.e.* ubiquitous) availability of the following services or capabilities when requested by a customer within its jurisdictional serving area:

723-2-17.2.1 The basic service standard defined in Rule 17.1 (17.1.1 through 17.1.8); and

723-2-17.2.2 E911 service, either by providing the necessary facilities and identification (name/number, etc.) information to a basic emergency service provider or as provided by the LEC under Rules Prescribing the Provisions of Emergency Reporting Services for Emergency Telecommunications Service Providers and Telephone Utilities, 4 CCR 723-29 shall be available to any governing body upon request; and

723-2-17.2.3 Services to which the customer may voluntarily subscribe that deny access to MTS or other information service providers.

723-2-17.3 Local Calling Area Standards. Local Calling areas as established by the Commission shall be considered to meet the community of interest standard. Any telecommunications service provider that is granted authority to offer basic local exchange service in an area included within an exchange for which the Commission has previously established a Local Calling Area shall provide that same calling area to its customers, unless modified by order of the Commission.

[Rules 17.3.1 through 24.10 are unmodified.]

RULES REGULATING THE CHANGING OF PRESUBSCRIPTION

RULE 4 CCR 723-2-25. CHANGING PROVIDER/CARRIER PRESUBSCRIPTION.

723-2-25.1 Verification of Orders for Service. No customer- selected basic local exchange provider (CSBLEP) or customer- selected intrastate intraLATA interexchange carrier

(CSIIIXC) shall submit to the customer's previously selected basic local exchange provider (BLEP) a provider/carrier change order unless and until the CSBLEP or CSIIIXC has obtained confirmation from the customer in accordance with one of the following procedures:

723-2-25.1.1 The CSBLEP or CSIIIXC has obtained the customer's written authorization pursuant to the requirements of Rule 25.2 below; or

723-2-25.1.2 The CSBLEP or CSIIIXC has obtained the customer's electronic authorization, placed from the telephone number(s) for which the CSBLEP or CSIIIXC is to be changed, to submit the order that confirms the customer's billing name and address, the decision to change the CSBLEP or CSIIIXC, and the customer's understanding of the CSBLEP or CSIIIXC change fee to confirm the authorization. Intrastate intraLATA interexchange carriers (IIIXCs) or BLEPs electing to confirm sales electronically shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to the number(s) will connect a customer to a voice response unit, or similar mechanism, that records the required information regarding the provider/carrier change, including automatically recording the originating number using Automatic Number Identification (ANI); or

723-2-25.1.3 An appropriately qualified and independent third party operating in a location physically separate from the telemarketing representative has obtained the customer's oral authorization to submit the provider/carrier change order that confirms and includes appropriate verification data (e.g., the customer's date of birth or social security number); or

723-2-25.1.4 Within three business days of the customer's request for a provider/carrier change, the CSBLEP or CSIIIXC must send each new customer an information package by

first class mail. If the customer does not confirm the change order by postcard within fourteen days of the date the information package was mailed, the change order shall be considered canceled. The information packet shall contain at least the following information concerning the requested change:

723-2-25.1.4.1 The information is being sent to confirm a telemarketing order placed by the customer within the previous week;

723-2-25.1.4.2 The name of the customer's current CSBLEP or CSIIIIXC;

723-2-25.1.4.3 The name of the newly requested CSBLEP or CSIIIIXC;

723-2-25.1.4.4 A description of any terms, conditions, or charges that will be incurred;

723-2-25.1.4.5 The name of the person ordering the change;

723-2-25.1.4.6 The name, address, and telephone number of both the customer and the soliciting CSBLEP or CSIIIIXC;

723-2-25.1.4.7 A postpaid postcard which the customer can use to deny, cancel, or confirm a service order;

723-2-25.1.4.8 A clear statement that if the customer does not return the postcard, then the customer's carrier will not be switched; and

723-2-25.1.4.9 The name, address, and telephone number of a contact point at the Commission for consumer complaints.

723-2-25.2 Letter of Agency Form and Content.

723-2-25.2.1 A CSBLEP or CSIIIIXC shall obtain any necessary written authorization from a subscriber for a CSBLEP or CSIIIIXC change by using a letter of agency as specified in this Rule 25.2. Any letter of agency that does not conform with this Rule 25.2 is void.

723-2-25.2.5.4 That the subscriber understands that currently only one CSBLEP/CSIIIXC may be designated as the subscriber's CSBLEP/CSIIIXC for any one telephone number (e.g., the CSBLEP and the CSIIIXC must be the same provider/carrier). When, pursuant to future Commission order, the CSBLEP and CSIIIXC can be different provider/carriers, the letter of agency must contain separate statements regarding each choice of service selection (i.e., CSBLEP or CSIIIXC for which the letter of agency is authorizing a designation. Any provider/carrier designated as a preferred CSBLEP or CSIIIXC must be the provider/carrier directly setting the rates for the subscriber. One provider/carrier can be both a subscriber's interstate preferred interexchange carrier and a subscriber's CSBLEP/CSIIIXC; and

723-2-25.2.5.5 That the subscriber understands that any CSBLEP or CSIIIXC selection the subscriber chooses may involve a charge to the subscriber for changing the subscriber's CSBLEP or CSIIIXC.

723-2-25.2.6 Letters of agency shall not suggest or require that a subscriber take some action in order to retain the subscriber's current CSBLEP and/or CSIIIXC.

723-2-25.2.7 If any portion of a letter of agency is translated into another language, then all portions of the letter of agency must be translated into that language.

723-2-25.3 Freezing a Telecommunications Service Provider.

723-2-25.3.1 Each CSBLEP must offer customers, at no charge, the option to freeze their CSBLEP and/or CSIIIXC. As used herein, freeze occurs when a subscriber designates his/her/its existing CSBLEP and/or CSIIIXC as a permanent choice which may not be changed absent further written authorization initiated by the subscriber.

723-2-25.2.2. The letter of agency shall be a separate or severable document (an easily separable document containing only the authorizing language described below) the sole purpose of which is to authorize a CSBLEP or CSIIIXC change. The letter of agency must be signed and dated by the subscriber of the telephone line(s) requesting the change to the customer's selected IIIXC or BLEP.

723-2-25.2.3 The letter of agency shall not be combined with inducements of any kind on the same document.

723-2-25.2.4 Notwithstanding Rules 25.2.2 and 25.2.3 of this Rule, the letter of agency may be combined with checks that contain only the required letter of agency language prescribed in Rule 25.2.5 below and the necessary information to make the check a negotiable instrument. The letter of agency check shall not contain any promotional language or material. The letter of agency check shall contain, in easily readable, bold-face type on the front of the check, a notice that the consumer is authorizing a CSBLEP or CSIIIXC change by signing the check. The letter of agency language also shall be placed near the signature line on the back of the check.

723-2-25.2.5 At a minimum, the letter of agency must be printed with a type of sufficient size and readable type to be clearly legible to persons with normal and monochrome vision, and must contain clear and unambiguous language that confirms:

723-2-25.2.5.1 The subscriber's billing name and address and each telephone number to be covered by the CSBLEP and/or CSIIIXC change order;

723-2-25.2.5.2 The decision to change the presubscribed provider/carrier from the current CSBLEP or CSIIIXC to the prospective CSBLEP or CSIIIXC;

723-2-25.2.5.3 That the subscriber designates the new CSBLEP or CSIIIXC to act as the subscriber's agent for the respective customer-selected provider/carrier service change;

723-2-25.3.2 CSBLEPs and CSIIIXCs shall conduct an education program upon initiation of service to a subscriber which informs the subscriber of the effects of freezing a CSBLEP and/or a CSIIIXC on the subscriber's service choices.

723-2-25.3.3 Tariff filing requirement. Each telecommunications service provider shall file a tariff subject to the Commission's approval, describing its education program regarding freezing subscriber's CSBLEP and/or CSIIIXC.

723-2-25.4 Enforcement.

723-2-25.4.1 A provider/carrier that violates any provision contained in these rules is subject to enforcement and penalties as provided in Article 7 of Title 40 pursuant to due process requirements.

723-2-25.4.2 Upon notification that one of its end-users has been switched to another BLEP/IIIXC without authorization, the preferred BLEP/IIIXC shall notify the CSBLEP that the CSBLEP should switch the end-user to the preferred BLEP/IIIXC. The CSBLEP shall switch an end-user's presubscribed CSBLEP and/or CSIIIXC that has been found to have been unauthorized back to the end-user's previously presubscribed CSBLEP and/or CSIIIXC at no charge to the end-user. The customer's selected BLEP/IIIXC shall pay to the CSBLEP the provider/carrier change fee to switch the customer's service back to the CSBLEP and/or CSIIIXC. The CSBLEP/CSIIIXC may seek reimbursement of such charge from the BLEP/IIIXC found to have made the unauthorized switch of an end-user's CSBLEP and/or CSIIIXC.

723-2-25.4.3 Any BLEP/IIIXC found to have requested a change for a presubscribed end-user without the end-user's authorization shall refund to the end-user the entire amount of such end-user's current month telephone charges attributable to intrastate telephone service provided by that BLEP/IIIXC.

(Decision No. C96-448)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF PROPOSED AMEND-)
MENTS TO THE RULES REGARDING)
COLLECTION AND DISCLOSURE OF)
PERSONAL INFORMATION OBTAINED BY)
PUBLIC UTILITIES, 4 CCR 723-7.)

DOCKET NO. 95R-610

COMMISSION DECISION GRANTING, IN PART, AND DENYING, IN PART,
APPLICATIONS FOR REHEARING, REARGUMENT, OR RECONSIDERATION,
AND ADOPTING RULES

Mailed Date: April 26, 1996
Adopted Date: April 25, 1996

I. BY THE COMMISSION:

A. Statement

1. This matter comes before the Colorado Public Utilities Commission (the "Commission") for consideration of the various applications for rehearing, reargument, or reconsideration ("RRR") of Decision No. C96-350, issued on April 1, 1996. In that decision, we adopted, subject to applications for RRR, amendments to the rules regarding Collection and Disclosure of Personal Information Obtained by Public Utilities, 4 Code of Colorado Regulations 723-7. Significantly, the rules adopted in Decision No. C96-350 add sections concerning blocking, last call return, call trace, and automatic number identification, including pertinent education requirements.

2. Pursuant to § 40-6-114(1), C.R.S., several parties filed applications for RRR. These parties are: AT&T Communications of the Mountain States, Inc. ("AT&T"); the Colorado Independent

Telephone Association ("CITA"); MCI Telecommunications Corporation ("MCI"); and the Office of the Consumer Counsel ("OCC").

3. Now being duly advised in the premises, we will grant, in part, and deny, in part, the applications for RRR.

B. Discussion

1. Introduction

The applications for RRR suggest changes to several rules and/or rule paragraphs adopted in Decision No. C96-350, primarily concentrating on the rules concerning automatic number identification. This decision will individually discuss each of these rules and/or rule paragraphs. The rules are set forth in Attachment A to this Decision.

2. Blocking

OCC points out that the phrase "for a period of time of not less than 90 days for all subsequent requests" in Rule 5.3.3 is unclear. The Commission agrees, and will adopt the OCC's second proposed modification. Thus, we will grant this aspect of the OCC's application for RRR.

3. Automatic Number Identification ("ANI")

a. The rules concerning ANI commence with a definition. AT&T¹ points out that the definition could encompass more than perhaps the Commission intended. As such, AT&T suggests a definition that is narrower in scope. The Commission agrees with

¹ MCI's application for RRR simply joins in the application for RRR filed by AT&T. Thus, all references to AT&T's application for RRR necessarily also pertain to MCI's application.

AT&T and will grant the rule as set forth in AT&T's application for RRR with a minor modification.

b. AT&T next points out that in Rule 5.6.3, which pertains to customer notice requirements, the rule as adopted in Decision No. C96-350 misuses the word "subscriber." The Commission agrees and has substituted "subscriber" with "customer" throughout Rule 5.6 as required. AT&T also points out that all telecommunications service providers, not just those with service offerings that reveal ANI, should be informing their customers as to the revelation of ANI. Again the Commission agrees; however we will not adopt Rule 5.6.3 as proposed by AT&T to the extent that it limits notification only to residential customers. The Commission finds that the public interest will be served best if all customers receive notification, at least on an annual basis, that their number may be revealed to a called party through ANI. Thus, we will grant, in part, AT&T's application for RRR as it pertains to Rule 5.6.3.

c. AT&T also proposed a modification to Rule 5.6.3.1, which relates to information that must be part of the customer notice, because it perceives that the Commission's rule as set forth in Decision No. C96-350 simply provides previously known information to customers. The Commission agrees with AT&T's argument on this point. Because the Commission makes a modification to ensure that the notice refers to the fact that non-listed and non-published numbers will be specifically referenced, the Commission will grant, in part, this portion of AT&T's application for RRR. CITA suggests that notification should only

be provided with respect to non-listed and non-published numbers since published numbers are readily available as public information. The Commission disagrees with this rationale and believes that notice to all customers, rather than singling out the non-listed and non-published numbers, will be more efficient as well as more thorough. Thus, we will deny CITA's application for RRR as to this paragraph.

d. AT&T further recommends deletion of the other two items (Rules 5.6.3.2 and 5.6.3.3) to be contained in the customer notice concerning ANI. The Commission does not find AT&T's argument that it could be subjected to legal liability for providing its customers with a general explanation of the type of entities which subscribe to ANI to hold much weight. However, the Commission has added a parenthetical which more specifically explains what it intends this portion of the notice to contain in order to clarify Rule 5.6.3.2. As for 5.6.3.3, the Commission agrees with AT&T that this requirement should be deleted. As a result, the Commission will deny AT&T's application for RRR, with clarification, with regard to Rule 5.6.3.2 and will grant the application for RRR as to Rule 5.6.3.3.

e. The Commission finds that Rules 5.6.4.1 and 5.6.4.2 are not largely redundant and, therefore, denies this portion of AT&T's application for RRR.

d. As is apparent in Rule 5.7 (numbered 5.8 in Decision No. C96-350), the Commission has found that some customer education with respect to disclosures of a calling party's telephone number is necessary to serve the public interest. OCC

contends that the rule should additionally require education on an annual basis. The Commission finds that customer education upon introduction of service and upon initiation of telephone service to a customer, is sufficient. OCC's application for RRR will be denied in this regard. AT&T correctly points out that "subscriber" is used when "customer" is a better word. AT&T also suggests this rule is too specific and should therefore be deleted. Because of the importance of customer education as to privacy concerns, the Commission will retain Rule 5.7 in essentially the form as adopted in Decision No. C96-350. Thus, AT&T's application for RRR, to the extent it recommends deletion of this rule, will be denied. CITA suggests that the customer education requirement set forth in Rule 5.7 is costly and burdensome and that, therefore, the small basic local exchange providers should be exempted from this requirement. The Commission finds that the due consideration of the public interest requires that the small basic local exchange providers not be exempted from educating its customers concerning the disclosure of their numbers to called parties. As a result, we will deny CITA's application for RRR as it relates to Rule 5.7.

e. Finally, AT&T argues that a tariff is an inappropriate place for a description of a customer education program. The Commission disagrees and finds that tariffs have been frequently used to set forth descriptions of various forms of consumer notice, including explanations as to deposits and service disconnection. Thus, with respect to Rule 5.8 (numbered Rule 5.7 in Decision No. C96-350), the Commission will deny the application for RRR filed by AT&T.

II. ORDER

A. The Commission Orders That:

1. The rule changes and clarifications described above and set forth in Attachment A are adopted.

2. The Application for Rehearing, Reargument or Reconsideration of Decision No. C96-350 filed by AT&T Communications of the Mountain States, Inc., is granted, in part, and denied, in part.

3. The Application for Rehearing, Reargument or Reconsideration of Decision No. C96-350 filed by the Colorado Independent Telephone Association is denied.

4. The Application for Rehearing, Reargument or Reconsideration of Decision No. C96-350 filed by MCI Telecommunications Corporation is granted, in part, and denied, in part.

5. The Application for Rehearing, Reargument or Reconsideration of Decision No. C96-350 filed by the Office of Consumer Counsel is granted, in part, and denied, in part.

6. This Decision shall become final 20 days following its Mailed Date in the absence of filing of any applications for rehearing, reargument, or reconsideration. In the event any application for rehearing, reargument, or reconsideration to this Decision is timely filed, this Decision Granting, in Part, and Denying, in Part, Applications for Rehearing, Reargument, or Reconsideration shall become final upon a Commission ruling denying any such application, in the absence of further order of the Colorado Public Utilities Commission ("Commission").

7. Within 20 days of final Commission action on the attached rules, the adopted rules shall be filed with the Secretary of State for publication in the next issue of the Colorado Register along with the opinion of the Attorney General regarding the legality of the rules.

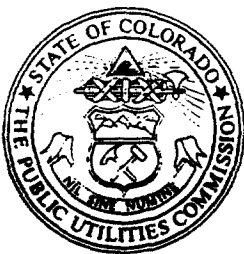
8. The finally adopted rules shall also be filed with the Office of Legislative Legal Services within 20 days following the above-referenced opinion by the Attorney General.

9. The 20-day period provided for in § 40-6-114(1), C.R.S., within which to file applications for rehearing, reargument, or reconsideration begins on the first day following the Mailed Date of this Decision.

10. This Order is effective on its Mailed Date.

B. ADOPTED IN SPECIAL OPEN MEETING April 25, 1996.

(SEAL)



ATTEST: A TRUE COPY

Bruce N. Smith

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT J. HIX

VINCENT MAJKOWSKI

Commissioners

COMMISSIONER CHRISTINE E. M. ALVAREZ
RESIGNED EFFECTIVE APRIL 5, 1996.

THE
PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RULES REGULATING THE COLLECTION AND DISCLOSURE
OF PERSONAL INFORMATION

4 CCR 723-7

BASIS, PURPOSE, AND STATUTORY AUTHORITY

The basis and purpose for these rules is to provide regulations concerning the collection and disclosure of personal information obtained by a public utility or telecommunications service provider within the normal course of business. The rules provide procedures to protect the personal information of customers of public utilities and customers of telecommunications service providers. These rules are issued under the authority of §§ 40-3-102, 40-4-101, and 40-2-108, C.R.S.

RULE 4 CCR 723-7-5. DISCLOSURE TO THIRD PARTIES.

[Rules 1-5.1.5 remain unmodified.]

723-7-5.2 Governmental Requests. Requests from federal, state or local governments, or one of their agencies including, but not limited to: the Colorado Public Utilities Commission, the United States Department of Housing and Urban Development, the Colorado Department of Revenue, the Internal Revenue Service, local housing authorities, state and local departments of social services and federal, state and local law enforcement agencies will be honored subject to the following conditions:

723-7-5.2.1 Written requests for personal information shall not be honored unless the request is written on official letterhead.

723-7-5.2.2 Telephone requests for personal information may not be answered while the caller waits unless the employee of the public utility receiving the call knows the caller is an authorized governmental representative. In all cases in which the employee receiving the call does not know the caller, he or she must obtain the office telephone number of the caller and return the call to verify authorization before disclosing personal information.

723-7-5.2.3 In person requests may be honored only after verification that the person requesting the personal information properly represents a governmental agency.

723-7-5.3 Blocking.

723-7-5.3.1 Per call blocking and per call unblocking enable a customer to control the disclosure of his or her name and telephone number to a subscriber of Caller Identification by temporarily changing the public or private status indicator of the telephone number. A customer must dial a code before each call to change the indicator from public to private or, in the case of per call unblocking of blocked lines, from private to public. Per line blocking provides a permanent private indicator on a customer's line. Once per line blocking is established the private status can be changed by the customer only temporarily (for individual calls) by using per call unblocking.

723-7-5.3.2 Any public utility, or other telecommunications service provider, offering a Caller Identification service or any comparable service that identifies to the called party the name or telephone number, or both, of

the calling party shall offer per call blocking using the activation code *67, per call unblocking using the activation code *82 for blocked lines, and per line blocking as services available to customers.

723-7-5.3.3 Per call blocking and per call unblocking shall be offered at no charge to the calling party. Per line blocking shall be offered at no charge for the first request of each subscriber ~~and for a period of time of not less than 90 days for all subsequent requests.~~ Domestic violence programs and law enforcement agencies shall always be offered per line blocking at no charge.

723-7-5.4 Last Call Return.

723-7-5.4.1 Last call return, upon dialing the activation code *69, automatically redials the number of the last incoming call to that line, whether the call was answered or not. The end-user does not have to know the number of the calling party. If the calling party's number is blocked by the calling party, last call return will not return the call. If the called number is busy, last call return will redial the called number for a limited period of time. A tone alerts the customer when the called line is available.

723-7-5.4.2 Any public utility, or other telecommunications service provider, offering a last call return service or any comparable service which allows a customer to dial a code that will cause the feature to automatically redial the number of the last incoming call to that line, including a feature which automatically redials the number of the last incoming call to that line whether the call was answered or not, shall offer per call blocking and per line blocking as services

available to customers and shall prevent last call return-type features from returning blocked calls.

723-7-5.5 Call Trace.

723-7-5.5.1 Call trace allows a called party to initiate an automatic trace of the last call received. After receiving the call which is to be traced, the customer dials the *57 activation code and the traced telephone number is automatically sent to the telecommunications service provider for further action. The customer originating the trace will not receive the traced telephone number. The results of a trace will be furnished only to law enforcement agencies or authorities upon proper request by them.

723-7-5.5.2 Any public utility, or other telecommunications service provider, offering a Caller Identification service or any comparable service that identifies to the called party the name or telephone number, or both, of the calling party shall offer call trace.

723-7-5.6 Automatic Number Identification.

723-7-5.6.1 Automatic Number Identification ("ANI") : ~~The delivery of the calling party's number by a telecommunications service provider to: 1) any called party or end user, or 2) to any interconnecting provider for billing purposes, routing purposes, the provision of 911 services, and/or the delivery of such number to called parties or end users.~~ ANI allows a calling party's billing telephone number to be delivered as part of the telephone call completion and to be revealed to some called parties.

723-7-5.6.2 Any telecommunications service provider that provides ANI to any person shall provide such service under a contract or tariff that prohibits such person from reusing or selling the telephone number or billing information without